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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,420	09/25/2003	Johann Berger	8358-000011	5804

27572 7590 04/07/2004

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EXAMINER
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MUROMOTO JR, ROBERT H

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/671,420

Applicant(s)

BERGER, JOHANN

Examiner

Robert H Muromoto, Jr.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01272004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on a PCT application filed on 04/02/2002. It is noted, however, that applicant has not filed a copy of the PCT application as required by 35 U.S.C. 119(b).

The Examiner also requests that the International Search performed on PCT EP02/03630 be submitted by applicant.

### ***Specification***

The abstract of the disclosure is objected to because the specification does not include a - - Brief description of drawings - -, also because the abstract includes the recitation "The invention relates to.." which is redundant and does not conform to US patent practice. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. '101 in view of Alexander, III et al., '421.

Morgan teaches a fabric which is woven in single ply (8) and double ply (9) portions with multiple warp beams. Each beam contains specific warp yarns.

Although Morgan teaches these limitations of the instant invention Morgan does not teach that one beam be designated to the upper and lower warp layers respectively. Nor does Morgan teach individual tension control for each beam.

However, Alexander does teach feeding warp yarns to a weaving machine with two beams (13,14) where the upper warp layer (Y) is supplied by the upper warp beam (13) and the lower warp layer (Y') is supplied by the lower warp beam (14). The separating of the beams "simplifies threading up of warp yarn feeders by separating the guide rolls (col. 3, lines 60-62)." This method also "simplifies the operation of obtaining proper yarn mixing (claim 2, yarn mixing implies different yarns) and distribution (col. 3, lines 62-63)."

Additionally, as seen in figure 2, the warp beams (13,14) are individually controlled for tension by a plurality of tension creating and measuring devices designated at B and B' respectively. This setup ensures that the warp yarns "receive uniform tensioning by a simple direct application of controlled tension (col. 4, lines 1 and 2)."

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to use the warp yarn feeding apparatus of Alexander to produce the multiply fabric of Morgan to simplify the yarn mixing and distribution as well as to ensure uniform tension on the warp yarns.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan in view of Alexander as applied to claims 1 and 2 above, and further in view of Vogel et al. '826 (which was supplied by applicant in the submitted IDS).

Although the combined teachings above teach essentially all of the limitations of the instant invention, they do not teach the use of a Jacquard type shedding device.

However, it is widely known to use a Jacquard type shedding device for woven fabrics to take advantage of their increased yarn selection control, which is inherent to Jacquard weaving.

As evidence, the examiner cites Vogel '826, which was cited by the applicant in the IDS submitted with the instant application. Vogel teaches a loom which uses multiple beams for weaving a terry pile fabric. Vogel teaches that the loom uses either a dobby or Jacquard type shedding mechanism to aid in controlling fabric parameters in the weaving process.

Therefore it would have been obvious to one ordinary skill in the art at the time of invention to use a Jacquard type shedding mechanism in combination with the teachings above or with any weaving method to aid in controlling fabric parameters in the weaving process.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. A multitude of references which use multiple warp beams with individual tension control have been cited.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert H Muromoto, Jr. whose telephone number is 703-306-5503. The examiner can normally be reached on 8-530, M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bhm  
April 1, 2004



JOHN D. CALVERT  
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